

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 16, 2005

DIVISION ONE

B177827 People (Not for Publication)
v.
Daveindira D.B. Deonarane

The judgment is affirmed.

Suzukawa, J. (Assigned)

We concur: Spencer, P.J.
Mallano, J.

B176016 People (Not for Publication)
v.
Robert Stewart

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Suzukawa, J. (Assigned)

DIVISION TWO

B172574 Sludikoff et al. (Not for Publication)
 v.
 Amrollahifar

The judgment is reversed and the matter remanded for proceedings in accordance with this opinion. Appellants to recover their costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B173973 BKM Total Office of California et al. (Not for Publication)
 v.
 Pacific Insurance Co. Ltd. et al.

The order is affirmed. Appellants to bear respondents costs on appeal.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

DIVISION THREE

B174384 Los Angeles County, D.C.S. (Not for Publication)
B175769 v.
 Fatrenda B.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

February 16, 2005 (Continued)

DIVISION THREE (Continued)

B176391 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Johna C.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Epstein, P.J., Hastings, J., Curry, J., Grimes, J. and V. Guzman, Deputy Clerk.

Each of the following:

B176798 DCFS v. Anthony L. and Sylvia R.
B172490 People v. Casio
B175464 People v. Houston
B171640 People v. Cho
B173153 People v. Ruiz and Brand
B173126 People v. Gonzalez

Argument waived, cause submitted.

B174157 People
 v.
 Emerson

Merits:

Argued by Alan Ross for appellant and by Russell A. Lehman, deputy attorney general for respondent. Cause submitted.

DIVISION FOUR (Continued)

B171385 O'Malley
 v.
 Vick

Merits:
Argued by David B. Owen for appellant and by David D. Kremenetsky for respondent. Cause submitted.

B171469 Spears
 v.
 Shizawa

Merits:
Argued by Simon Robert Hiller for appellant and by Steve Cochran for respondent. Cause submitted.

B164800 Se-Jin et al.
 v.
 Kim et al.

Merits:
Argued by Charlotte E. Costan for appellants and by Pamela Dunn for respondents and cross-appellants Kim et al. Cause submitted.

B159733 Mileikowsky
 v.
 Tenet Healthsystem et al.

Merits:
Argued by Roger Jon Diamond for appellant and by Mark T. Kawa for respondents. Cause submitted.

DIVISION FOUR (Continued)

B168705 Mileikowsky
 v.
 Tenet Healthsystem et al.

Merits:
Argued by Roger Jon Diamond for appellant and by Jay D. Christensen for respondents. Cause submitted.

Court in recess.

Court reconvened at 1:30 p.m.

Present: Epstein, P.J., Hastings, J., Curry, J., Grimes, J. (Assigned) and V. Guzman, Deputy Clerk.

B173677 People
 v.
 Mackey

Merits:
Argued by Sally P. Brajevich for appellant and by Susan Lee Frierson, deputy attorney general for respondent. Cause submitted.

B171989 Cerevka
 v.
 Cerevka

Merits:
Argued by Bert H. Cohen for appellant and by Bruce D. Abramson for respondent. Cause submitted.

DIVISION FOUR (Continued)

B175159 Lee
v.
Equitable Medical Properties et al.

Merits:

Argued by John S. Cha for appellant; by John D. Bandiera for respondent Equitable Medical and by Matthew J. Yarling for respondent Vinci. Cause submitted.

B146321 Russomanno and Booster
v.
Fox Children's Network

Merits:

Argued by A. Barry Cappello for appellants; by Lisa Renee Brant for respondent Gold Coast Television; by William E. Crockett for respondent Bowlen; by Linda Layton for respondent Estate of Time Travelers and by James J. Webster for respondent and cross-appellant Fox Children's Network. Cause submitted.

Court adjourned.

B172002 People v. Filer (Not for Publication)

The judgment is modified to reflect that appellant's sentence on count 1 is LWOP plus 25 years to life (§ 12022.53, subd. (d)), and his sentence on count 4 is a consecutive term of LWOP plus 25 years to life (§ 12022.53, subd. (d)). In all other respects, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment to reflect this modification.

Curry, J.

We concur: Hastings, Acting P.J.
Grimes, J. (Assigned)

DIVISION FIVE

B171909 Maria Delgado (Not for Publication)
v.
Sheng Hsiang Jen (USA), Inc.

The judgment is reversed. Appellant(s) to recover costs.

Kriegler, J. (Assigned)

We concur: Turner, P.J.
 Armstrong, J.

B170480 People (Not for Publication)
v.
Raithiele Robinson

The judgment is affirmed.

Kriegler, J. (Assigned)

We concur: Armstrong, Acting P.J.
 Mosk, J.

B173896 James Kellner et al. (Not for Publication)
v.
The Quisenberry Law Firm et al.

The order denying the special motion to strike filed by defendants, the Quisenberry Law Firm, Quisenberry & Kabateck, John Quisenberry, Brian Kabateck, Jerilyn Jacobs, Elizabeth Green, Erin Moore, and Heather Mason McKeon, is reversed. The trial court is directed, upon issuance of the remittitur, to enter a new order granting the special motion to strike. Defendants are to recover their costs and attorney fees on appeal and those incurred in the trial court in litigating the special motion to strike from plaintiffs, James L. Kellner and Brian Kellner.

Turner, P.J.

We concur: Mosk, J.
 Kriegler, J. (Assigned)

February 16, 2005 (Continued)

DIVISION FIVE (Continued)

B170576 People (Not for Publication)
v.
Michael Hoornbeek

The superior court clerk is directed to correct the abstract of judgment to reflect defendant's presentence credits of 430 days, including 374 actual days and 56 days of conduct credit. The judgment is affirmed in all other respects.

Turner, P.J.

I concur:	Armstrong, J.
I dissent and concur:	Mosk, J. (Opinion)

B155517 Salvador Alfaro
v.
Lift Truck Converters, Inc.

Filed order dismissing appeal on court's own motion. Appeal (notice of appeal filed December 27, 2001) dismissed.

DIVISION SIX

B170673 People (Not for Publication)
v.
Bridges

Accordingly, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

DIVISION SIX (Continued)

B173302 Jones, et al. (Not for Publication)
 v.
 Union Bank of California

The judgment is affirmed. Costs are awarded to Bank.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B173748 Patrick M., et al. (Not for Publication)
 v.
 County of Ventura, et al.

The judgment is affirmed. Respondents are awarded costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B173538 Bray (Not for Publication)
 v.
 Airey, et al.

The judgment is affirmed. Respondents are awarded costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

February 16, 2005 (Continued)

DIVISION SIX (Continued)

B172770 Karen K. (Not for Publication)
v.
Jean R.

The order awarding attorney's fees and costs to respondent Sachs is affirmed. The order awarding attorney's fees and costs to respondent Karen K. is reversed and the case is remanded for a new hearing on the appropriate amount of fees. As between appellant and respondent Sachs, the parties shall bear their own costs on appeal due to Sachs' failure to file a respondent's brief. As between appellant and respondent Karen K., costs are awarded to appellant. Respondent County of San Luis Obispo shall bear its own costs.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B170504 People
v.
Clark

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

DIVISION SEVEN

B172009 A/R Capital et al.
v.
Good Nite Inn

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SEVEN (Continued)

B171476 People (Not for Publication)
v.
Velasquez

The judgment with respect to the sentence imposed on count 3 is reversed, and the matter is remanded for resentencing on count 3. On remand the trial court is directed to strike the firearm enhancements imposed on counts 5, 10 and 12. In all other respects, the judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B143771 People (Not for Publication)
v.
Seel

The finding with regard to count 4 that the attempted murder of victim Park was committed willfully, deliberately and with premeditation pursuant to Penal Code section 664, subdivision (1), is reversed; retrial of that allegation is barred under the federal double jeopardy clause. The matter is remanded to the trial court for resentencing. In all other respects the judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION SEVEN (Continued)

B175296 People (Not for Publication)
v.
Kratz

The judgment is affirmed. The abstract of judgment is ordered corrected to reflect that the sentence on count 11 is to run concurrently to the sentence imposed on count 3. The superior court is directed to prepare a corrected abstract of judgment and forward it to the Department of Corrections.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B170618 Sanai (Not for Publication)
v.
The U.D. Registry, Inc. et al.

The post-judgment orders awarding costs to UDR and the Irvine Entities and attorney fees to UDR under the Consumer Credit Reporting Agencies Act are reversed. The order denying attorney fees to UDR and the Irvine Entities under the terms of the parties' lease agreement is affirmed. Each party is to bear his or its own costs.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION EIGHT

B170926 Haroutioun Kelayejian et al. (Not for Publication)

v.

Allstate Insurance Company,
In Re Northridge Earthquake Litigation

The judgment is affirmed. Respondent to recover its costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

B170448 The City Of Los Angeles (Not for Publication)

v.

Estate Of Norma Vides, et al.

The order awarding sanctions is reversed, and the matter remanded with instructions to the trial court to enter an order denying respondents' motion for sanctions under section 128.5. Each party shall bear its own costs on appeal.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.